

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

T-MOBILE USA, INC. AND SPRINT CORP.,

Defendants.

Civil Action No. 2:23-CV-00379-JRG-RSP

**JOINT MOTION FOR HEARINGS ON
DEFENDANTS' MOTION FOR SANCTIONS UNDER RULE 37(E)(1) (DKT. NO. 163)
AND DEFENDANTS' MOTION TO COMPEL (DKT. NO. 256)**

Pursuant to Local Rule CV-7(g), Plaintiff Headwater Research LLC (“Headwater” or “Plaintiff”) and Defendants T-Mobile USA, Inc. and Sprint Corp. (collectively, “T-Mobile” or “Defendants”) (collectively, the “Parties”) respectfully request hearings on Defendants’ Motion for Sanctions Under Rule 37(e)(1) (Dkt. No. 163) (“Motion for Sanctions”) and Defendants’ Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (Dkt. No. 256) (“Motion to Compel”) on May 29, 2025 at 9:00 AM, to coincide with the Motion Hearing set by the Court for Defendants’ Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (Dkt. No. 266) in *Headwater Research LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:23-CV-352-JRG-RSP (E.D. Tex.) (“352 Action”). The Parties would show the Court as follows:

T-Mobile filed its Motion for Sanctions on March 19, 2025, and briefing was complete as of April 29, 2025. Dkt. Nos. 163, 192, 212, 216. T-Mobile filed its Motion to Compel on May 8, 2025 (Dkt. No. 256), and Headwater’s Response is due on May 22, 2025. L.R. CV-7(e). Both motions therefore will be ripe for the Court’s review by May 29, 2025.

The Parties represent that good cause exists for both Motions to be heard on May 29, 2025 at 9:00 AM, to coincide with the Motion Hearing set by the Court for Defendants' Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (352 Action, Dkt. No. 266) in *Headwater Research LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:23-CV-352-JRG-RSP (E.D. Tex.).

First, the interests of judicial economy and efficiency will be promoted if the Court hears the Motion for Sanctions and the Motion to Compel together because the issues are related. Specifically, T-Mobile's Motion to Compel is based on Headwater's position in its briefing in opposition to T-Mobile's Motion for Sanctions. *See* Dkt. No. 256 (T-Mobile's Motion to Compel); Dkt. Nos. 192, 216 (Headwater's Response and Surreply to T-Mobile's Motion for Sanctions).

Second, Verizon is also seeking to have its Motion for Sanctions Under Rule 37(e)(1) (352 Action, Dkt. No. 163) heard on May 29, 2025 to coincide with the Hearing for Verizon's Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (352 Action, Dkt. No. 256), already set by the Court for May 29, 2025. It would be highly efficient for the Court to hear Verizon's and T-Mobile's motions at the same hearing because of the similar arguments and evidence presented by Verizon and T-Mobile. Verizon's and T-Mobile's Motions for Sanctions are based on similar evidence and argument, and the same is true for Verizon's and T-Mobile's Motions to Compel. *See* 352 Action, Dkt. Nos. 164 & 266. Verizon and T-Mobile are represented by the same counsel, and Headwater is also represented by the same counsel in each matter. It is therefore in the interests of judicial economy and efficiency for both Verizon's and T-Mobile's motions to be heard at the same time.

Finally, the interests of judicial economy and efficiency will be served by hearings on these motions in advance of trial. Trial is presently scheduled to begin June 23, 2025. Dkt. No. 144.

The Court's decisions on T-Mobile's Motion for Sanctions and T-Mobile's Motion to Compel may inform the Court's decision making on other pending motions including motions for summary judgment, motions to strike/ *Daubert* motions, and motions *in limine*, which will also provide helpful context for the Court at the Pretrial Conference the following day (*i.e.*, May 30). Additionally, the Court's decisions on these motions will likely inform the Parties' trial preparation and strategy, and may inform settlement discussions or otherwise help to narrow the issues before trial.

Accordingly, the Parties respectfully request that the Court grant this Joint Motion and hear oral argument on T-Mobile's Motion for Sanctions (Dkt. No. 163) and T-Mobile's Motion to Compel (Dkt. No. 256) on May 29, 2025 at 9:00 AM, at the same Motion Hearing set by the Court for Defendants' Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (*Verizon*, Dkt. No. 266) in *Headwater Research LLC v. Cellco Partnership d/b/a Verizon Wireless*, No. 2:23-CV-352-JRG-RSP (E.D. Tex.).

Dated: May 13, 2025

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for T-Mobile conferred with counsel for Plaintiff and that this is a Joint Motion.

/s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Marc Fenster
Marc Fenster